IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.1070 OF 2005

Girish Fabrics and Anr. .. Petitioners

Vs

Prabhay Textiles, .. Respondent

Ms Varsha Palav, for the petitioners.

Mr Tejpal Ingale, for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 05.10.2005.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 30.11.2004 passed below Exhibit-74 in Special Civil Suit No.62 of 1993 rejecting the application filed by the petitioners under section 151 and Order 47 of the Code of Civil Procedure, seeking recall/review of the orders dated 14.6.2004 and 19.6.2004 passed below Exhibits 70-D

(Exhibit "E" to the instant writ petition). By this application- Exhibit 70-D the respondent has prayed for allowing him to verify Khate extracts with the original purchase bills produced on record by him in 1992 and further allow him to produce zerox copy of the said Khate extracts on record. By order dated 14.6.2004 the respondent was allowed to verify the documents and by order dated 19.6.2004 the Court has recorded "verified as per the list". Looking to the fact that the original purchase bills are already on record and only prayer made by the respondent seeking permission of the Court to verify khate extracts with the said bills and further allow him to place on record the zerox copy of the said khate extracts on record which would not cause any prejudice to the petitioners, the impugned order does not warrant interference under Article 227 of the Constitution of India. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)